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EXTRAORDINARY

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GOVERNMENT OF INDIA

MINISTRY OF LAW

New Delhi, the 3rd October 1947

ORDINANCE No. XXII of 1947

AN

ORDINANCE

to confer certain special powers upon officers of the armed forces in certain disturbed areas in the United Provinces

WHEREAS an emergency has arisen which makes it necessary to confer certain special powers upon officers of the armed forces in certain disturbed areas of the United Provinces;

Now, THEREFORE, in exercise of the powers conferred by section 42 of the Government of India Act, 1935 (26 Geo. 5, c. 2), as adapted by the India (Provisional Constitution) Order, 1947, the Governor General is pleased to make and promulgate the following Ordinance:—

1. Short title, extent and commencement.—(1) This Ordinance may be called the United Provinces Disturbed Areas (Special Powers of Armed Forces) Ordinance, 1947.

(2) It extends to the whole of the United Provinces.

(3) It shall come into force at once.

2. Special powers of officers of military or air forces.—Any commissioned officer, warrant officer or non-commissioned officer of His Majesty's military or air forces may, in any area in respect of which a proclamation under sub-section (1) of section 15 of the Police Act, 1861 (V of 1861) is for the time being in force or which is for the time being by any form of words declared by the Provincial Government under any other law to be a disturbed or dangerous area,—

(a) if in his opinion it is necessary so to do for the maintenance of public order, after giving such warning, if any, as he may consider necessary, fire upon or otherwise use force, even to the causing of death, against any person who is acting in contravention of any law or order for the time being in force in the said area prohibiting the assembly of five or more persons or the carrying of weapons or of things capable of being used as weapons;

(b) arrest without warrant any person who has committed a cognizable offence, or against whom a reasonable suspicion exists that he has committed or is about to commit a cognizable offence;

(c) enter and search, without warrant, any premises to make any such arrest as aforesaid, or to recover any person believed to be wrongfully restrained or confined, or any property reasonably suspected to be stolen property, or any arms believed to be unlawfully kept, in such premises.

3. Protection of persons acting under this Ordinance.—No prosecution, suit or other legal proceeding shall be instituted, except with the previous sanction of the Central Government, against any person in respect of anything done or purporting to be done in exercise of the powers conferred by section 2

MOUNTBATTEN OF BURMA,
Governor General.

K. V. K. SUNDARAM,
Secy. to the Govt. of India.